

Title IX and Athletics Compliance

August 2026



Athletics

BEFORE WE GET STARTED...

- ✓ Not legal advice
- ✓ Materials
- ✓ Questions
- ✓ Repetition
- ✓ Breaks
- ✓ Posting link
- ✓ No recording

ABOUT US

OUR MISSION

To provide the best Care and Support for our clients, Community Partners, employees, contractors, collaborators, vendors, and all others who encounter our company.

GOAL

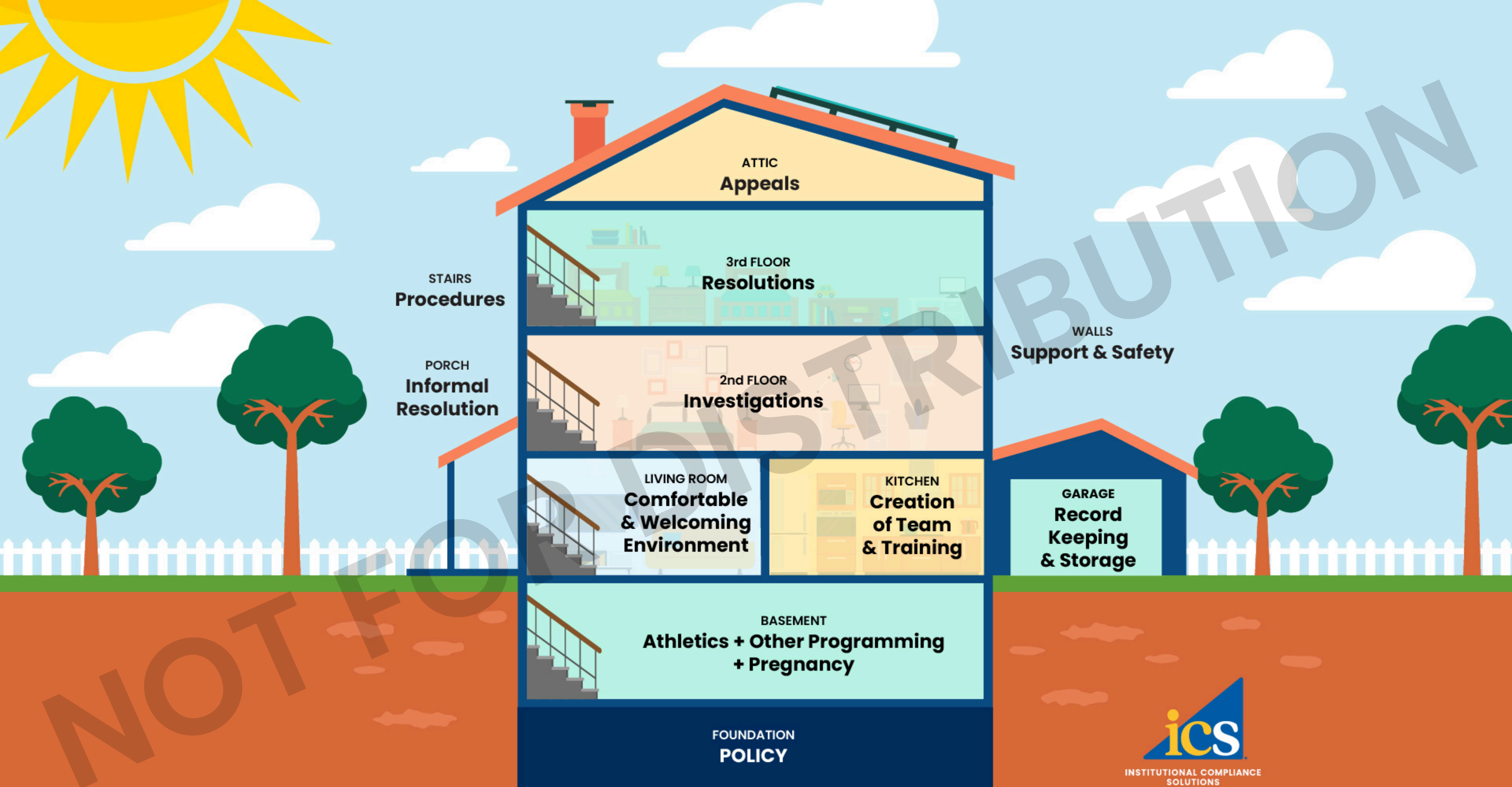
To assist schools and districts in providing a safe and healthy learning and working environment for students, faculty and staff.



Agenda & Goals

- Understanding Equity
- Expectations
- Action
- Intro & Overview
- Current Landscape
- The Three Targets
- NIL and Title IX
- Action Steps if a Complaint is Received





The Reasons Title IX Equity in Athletics Matters in 2026



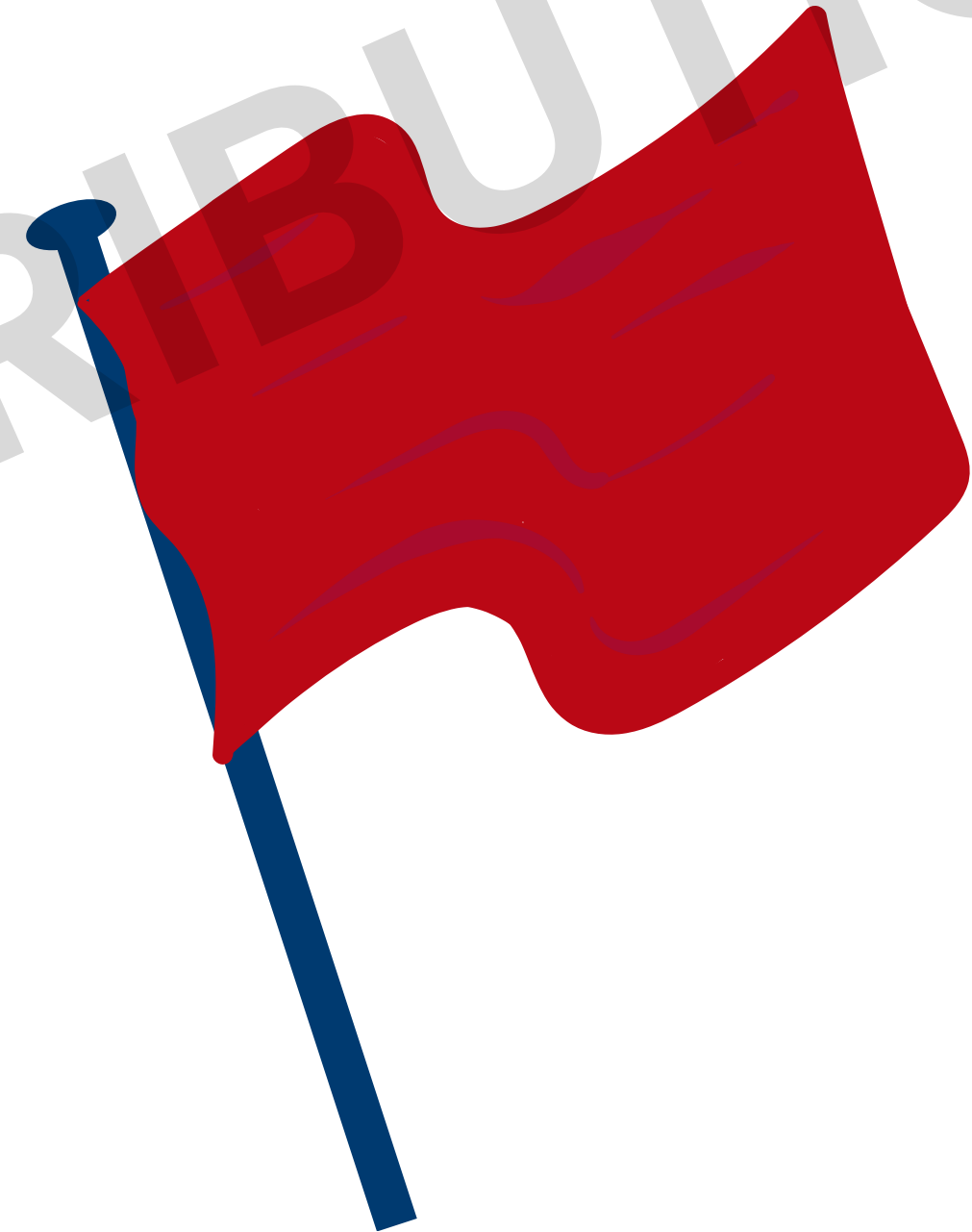
- Persistent Gender Gaps in Participation and Enforcement Data
- New Litigation Linked to Compensation and Revenue Sharing (NIL)
- High Volume of Athletics-Related OCR Complaints
- Policy Shifts and Federal Guidance Uncertainty
- Expanded Legal Disputes Over Gender Identity & Participation
- Continued Concern About Scholarship and Financial Aid Equity
- Advocacy and Public Pressure

INTENT VS IMPACT



Common Red Flags

- Recent team cuts
- Large roster disparities
- Booster-funded inequities
- Disproportionate capital investment
- Large scholarship percentage gaps
- Public complaints or media attention





NOT FOR DISTRIBUTION

3 Targets for Athletics Title IX Compliance



1

Participation
+
Interest
+
Ability
(3 prongs)



2

Benefits
+
Opportunity
+
Treatment



3

Scholarships
+
Financial
Aid
*If applicable



Target 1:

Participation, Interest, and Ability

- 3 Prongs

- *Only need to meet 1 of the 3 prongs within Target 1.*

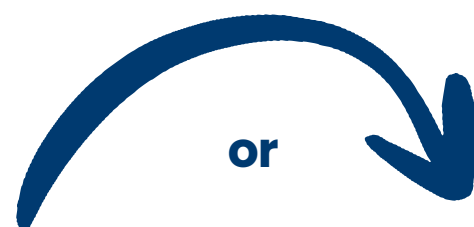


Target 1:

Title IX Athletics 3 Prong Test



Prong 1
**Substantial
Proportionality**



or



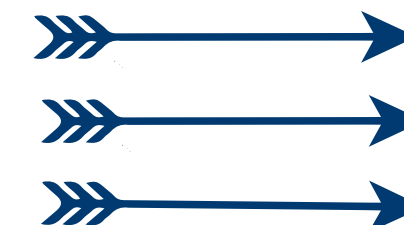
Prong 2
**History of
Expansion**



or



Prong 3
Interests and Abilities





Substantial Proportionality

Target 1 Prong 1

The Formula

- **Step 1- Calculate the percentage of female students**

of female students/enrolled students = percentage of female students

- **Step 2- Calculate the percentage of female athletic opportunities**

of female athletic opportunities/total number of athletic opportunities = percentage of female athletic opportunities

- **Step 3 Compare**

Answer to 1. and 2. need to be VERY Close (less than 5%)

May be “duplicated” or “unduplicated” (discussed on next slide)

Answer to 1. and 2. need to be VERY Close (less than 5%)

DUPLICATED VS. UNDUPLICATED CALCULATION



Target 1 Prong 1

Unduplicated Counting

Each student-athlete is counted only once, even if they participate in multiple sports. This method measures how many individual students are participating in athletics.

- Example-
 - A student participates in:
 - Soccer
 - Track
- Under unduplicated counting, that athlete counts as: 1 athlete

Duplicated Counting

Each participation opportunity (each roster spot) is counted separately.

If a student participates in two sports, they count twice-measures participation opportunities.

- Example-
 - A student participates in:
 - Soccer
 - Track
- Under unduplicated counting, that athlete counts as: 2 participation opportunities

Substantial Proportionality Unduplicated Hypo



TARGET 1 PRONG 1

Unduplicated Measurement: Doesn't take into account if athletes participate in more than one sport

Step 1- # of female students/enrolled students = percentage of enrolled female students

Step 2- # of female athletes/total number of athletes

Step 3- Answer to 1. and 2. need to be VERY Close (less than 5%)

Example:

School has the following:

1000 students (500 female students, 500 male students)

300 total athletes (120 female, 180 male)

Step 1- 500 female students/1000 total students = 50% enrolled female students

Step 2- 120 female athletes/300 total athletes= 40%

Step 3- 50%-40%= Difference of 10%

Substantial Proportionality Duplicated Hypo



TARGET 1 PRONG 1

Duplicated Measurement: Takes into account when athletes participate in more than one sport

Step 1- # of female students/enrolled students = percentage of enrolled female students

Step 2- # of female roster spots/total number of roster spots

Step 3- Calculate- Answer to 1. and 2. need to be VERY Close (less than 5%)

Example:

School has the following:

- **1000 students (500 female students, 500 male students)**
- **400 total filled roster spots (150 female, 250 male)**

Step 1- 500 female students/1000total students = 50% enrolled female students

Step 2- 150 female roster spots/400 total athletes= 37.5%

Step 3- 50%-37.5% = Difference of 12.5%



Substantial Proportionality Test — Calculator (Duplicated & Unduplicated)

Inputs (edit yellow cells)

Women students (enrollment)	0
Total students (enrollment)	0
Women enrollment % (auto)	
Threshold (percent points)	5.000%

"VERY Close (less than 5%)".

Duplicated measurement (roster spots) — uses: women roster spots / total roster spots

Women roster spots	0
Total roster spots	0

Unduplicated measurement (headcount) — uses: women athletes / total athletes

Women athletes (unduplicated)	0
Total athletes (unduplicated)	0

Results

Duplicated: Women athletics %	
Duplicated: Gap (Enrollment% – Athletics%)	0.000%
Duplicated: Inside threshold?	YES
Duplicated: Min women spots for threshold (total fixed)	0
Duplicated: Net women spots needed (vs current)	0

Unduplicated: Women athletics %	
Unduplicated: Gap (Enrollment% – Athletics%)	0.000%
Unduplicated: Inside threshold?	YES
Unduplicated: Min women athletes for threshold (total fixed)	0
Unduplicated: Net women athletes needed (vs current)	0

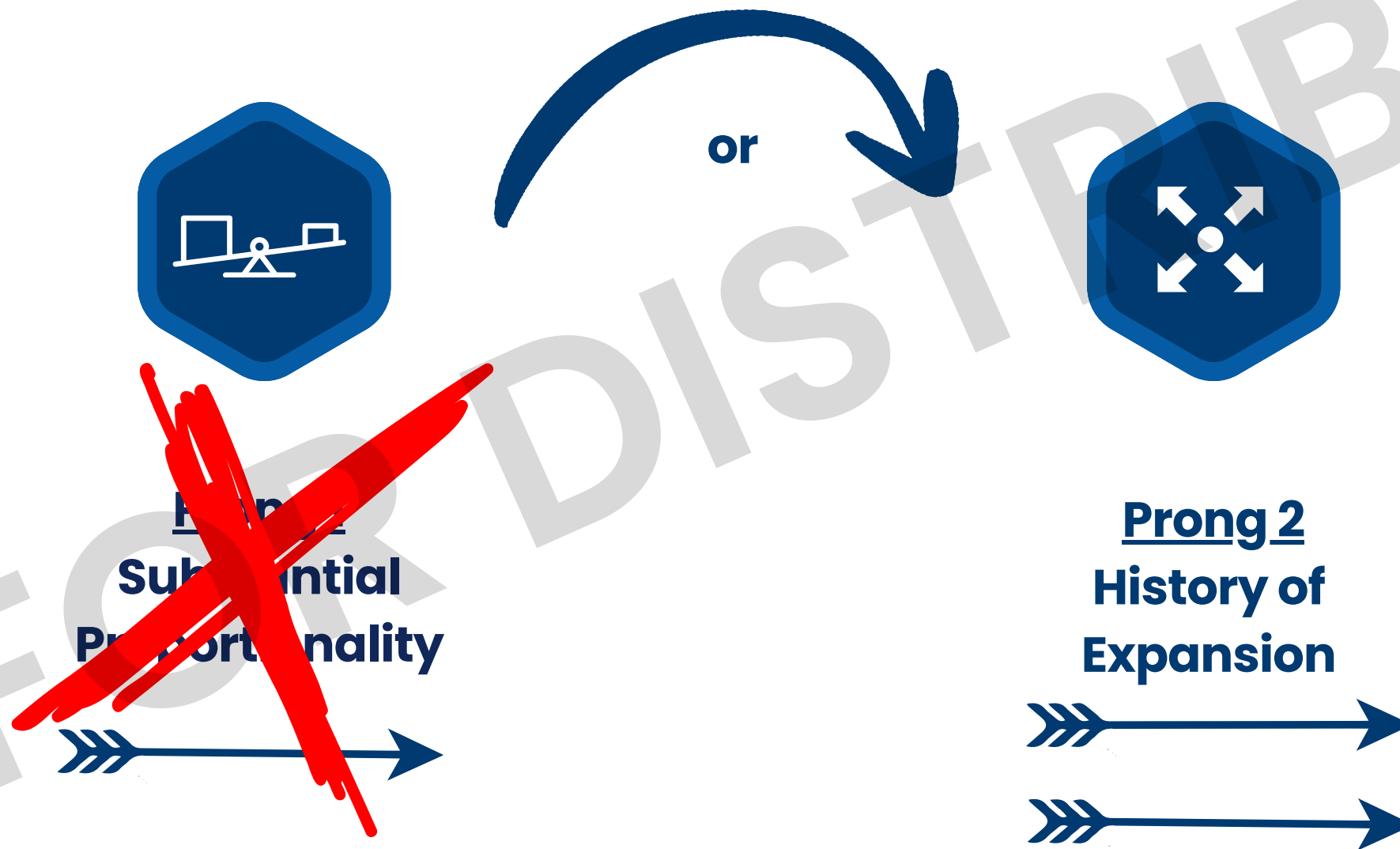
Reference (exact match to enrollment %)

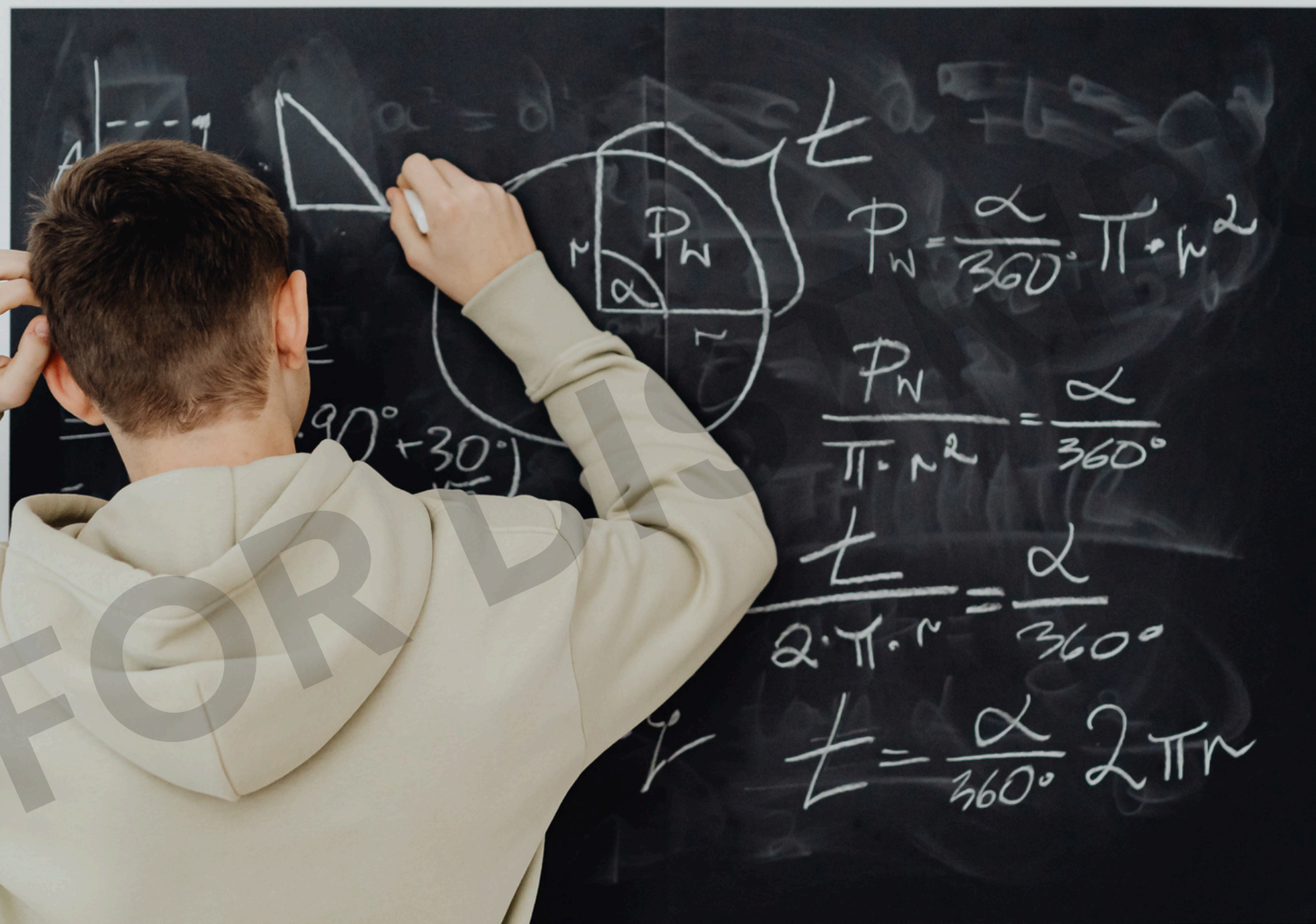
Target women spots (duplicated) = enrollment% × total spots	0
Target women athletes (unduplicated) = enrollment% × total athletes	0

Institutional
Compliance
Solutions



IF Institution or district fails test under prong 1, move to prong 2







History of Expansion



TARGET 1 PRONG 2

- History or ongoing pattern of adding participation opportunities for females
- Generally look at last 3-5 years
- UNAVAILABLE if in the process of eliminating or downsizing sports for underrepresented sex

CHALLENGE

History of Expansion Hypo

 TARGET 1 PRONG 2

Institution: ICS University

START

with Target 1 Prong 1

Enrollment: 11,000 undergraduate students

- 60% women
- 40% men

Varsity Athletics Participation: 520 total varsity athletes

- 285 men (54.8%)
- 235 women (45.2%)

There is a **14.8 percentage point gap** between women's enrollment (60%) and women's athletic participation (45.2%).

ICS University does not meet substantial proportionality (Prong 1).

→ **Move to Prong 2**



History of Expansion Hypo

 TARGET 1 PRONG 2

10-Year Program Expansion Record

2015

- Added Women's Lacrosse (roster size: 32)
- Increased Women's Soccer roster cap from 24 → 30

2017

- Added Women's Golf (roster size: 10)

2019

- Elevated Women's Triathlon (Emerging Sport) to varsity status (roster: 18)

2021

- Added Women's Wrestling (roster size: 28)
- Increased Women's Track roster by 6

2023

- Added Women's STUNT (roster: 24)
- Increased Women's Volleyball scholarships from 12 → 14

2024

- Approved Women's Acrobatics & Tumbling (launching Fall 2026; projected roster 32)



History of Expansion Hypo

 TARGET 1 PRONG 2

Total Expansion Impact 2014-2024

New women's sports added

- 5

Women's roster spots added

- +150

Women's scholarships added

- +38

Capital investment in women's facilities

- \$18M

Women's coaching staff added

- +9 full-time positions



History of Expansion Hypo



TARGET 1 PRONG 2

Documents to Support Actions Taken by ICS University

- Board minutes approving each addition
- Budget projections and funding approvals
- Feasibility studies
- Interest surveys conducted in 2014, 2018, and 2022
- Club sport participation records showing pipeline demand
- Strategic plan referencing women's athletics growth
- Facility master plan prioritizing women's competition spaces



History of Expansion Hypo

 TARGET 1 PRONG 2

Questions For Compliance

1. Has ICS University demonstrated a history of expanding opportunities for women?

Yes.

- Added 5 new women's varsity programs in 9 years.
- Created 150+ new roster spots.
- Increased scholarship allocations.
- Invested substantially in facilities.

2. Is the expansion “continuing”? Yes.

- The 2024 approval of Women's Acrobatics & Tumbling (launching 2026) demonstrates forward-looking expansion, not historical stagnation.
- Expansion occurred every 2–3 years.
- There is no evidence of pause or reversal.

3. Is expansion responsive to developing interests? Yes.

- Institutional interest surveys.
- Club sport growth data.
- Conference sponsorship availability.
- Emerging NCAA sport recognition.



History of Expansion Hypo



TARGET 1 PRONG 2

What would make this hypo FAIL?

Women's Expansion

2014

- Added Women's Lacrosse (roster: 30)

2015

- Increased Women's Soccer roster by 3

2016–2025

- No new women's varsity sports added
- No net roster increases
- No scholarship increases
- No additional coaching hires

2023

- Announced feasibility study for Women's Wrestling (never implemented)

Simultaneous Men's Expansion

2018: Increased Football roster from 95 → 105

2020: Added Men's Wrestling (roster: 30)

2022: Increased Baseball roster by 8

2024: Expanded Men's Track scholarships

Men's participation grew by 42 roster spots in the same period.

Fail



History of Expansion Emerging Additions

 TARGET 1 PRONG 2



Lacrosse



Flag Football



Sand/Beach Volleyball



**Indoor Track or
Cross Country**



Stunt



Field Hockey

History of Expansion Strategic Patterns

 TARGET 1 PRONG 2

Common strategic approaches include:

- Adding one large-roster sport (e.g., Rowing)
- Pairing one large and one moderate sport (e.g., Wrestling + Golf)
- Expanding existing women's roster caps before adding entirely new teams
- Elevating strong club programs to varsity status
- Targeting Emerging Sports to demonstrate responsiveness to developing interest

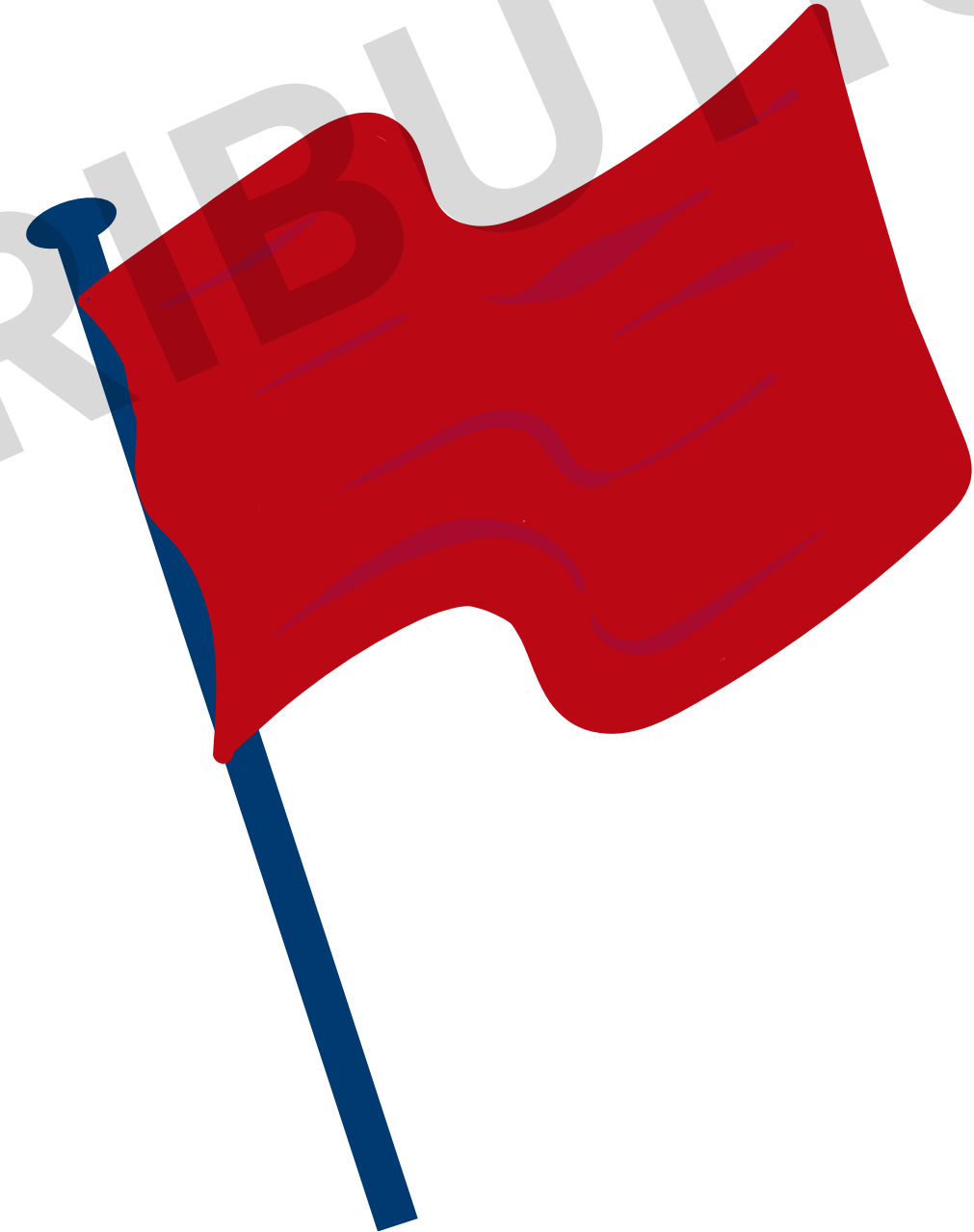


Common Red Flags Related to Expansion

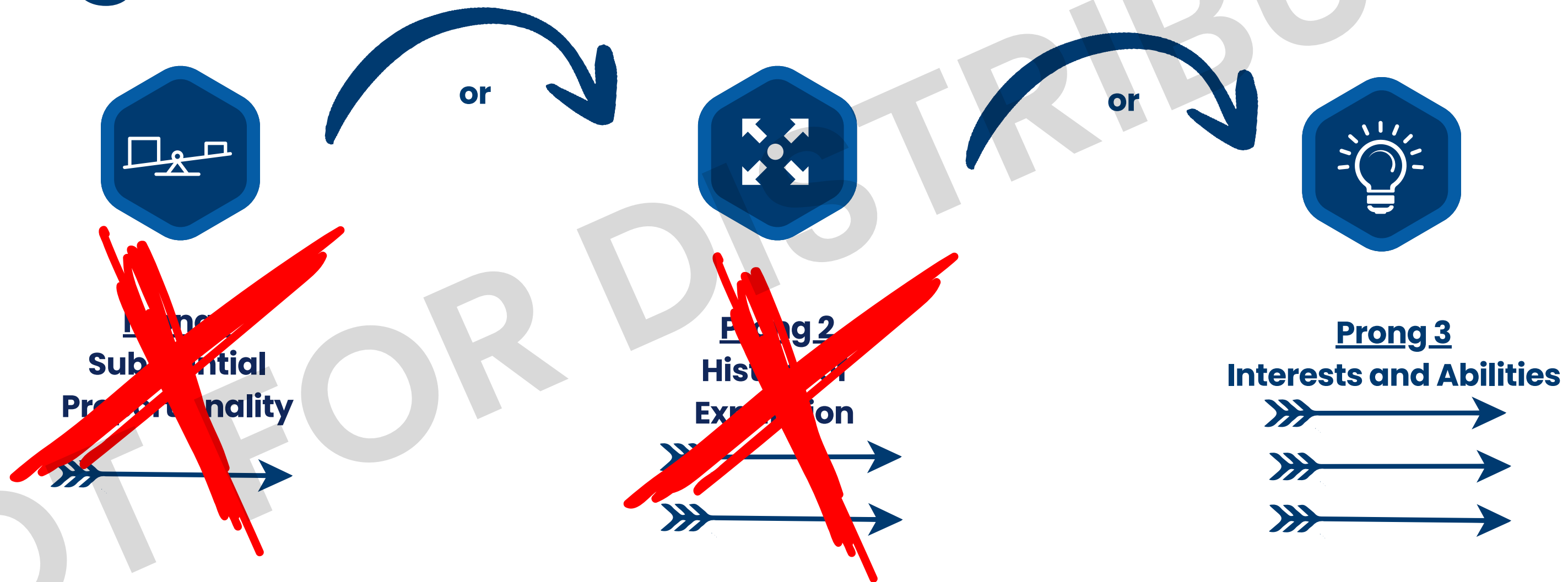


TARGET 1 PRONG 2

- Risk increases when:
 - No women's teams added in 5+ years
 - Women's participation stagnant while enrollment grows
 - Men's roster growth exceeds women's growth
 - Adding of a men's team
 - Expansion occurred >5 years ago and none since



IF Institution or District fails test under prong 1 and 2, move to prong 3



Interests & Abilities

TARGET 1 PRONG 3

- Is the school fully and effectively accommodating interests and abilities?
- Has school “maxed out” its offerings?
- Surveys & evaluations
- What is popular in rec league and youth sports?



Interests & Abilities



TARGET 1 PRONG 3

Legal Standard Under Prong 3

An institution or district must demonstrate:

- There is no unmet interest among the underrepresented sex, OR
- There is no sufficient ability to sustain a team, OR
- There is no reasonable expectation of competition within the institution's normal competitive region



Survey Objectives

INTERESTS & ABILITIES

 TARGET 1 PRONG 3

<u>Element</u>	<u>What must be demonstrated</u>
Interest	Genuine, measurable interest from underrepresented sex
Ability	Sufficient skill base to sustain competitive team
Competition	Viable regional competition opportunities
Documentation	Objective, documented, good-faith evaluation
Responsiveness	Action taken when sufficient interest exists



Survey Design Considerations

INTERESTS & ABILITIES

 TARGET 1 PRONG 3

1. Who Receives the Survey

- *Entire undergraduate population (higher ed)*
- *Entire student body (K-12 district-wide where appropriate)*
- *Not just current athletes*
- *Not just club sport participants*

Survey Design Considerations

INTERESTS & ABILITIES



TARGET 1 PRONG 3

2. Response Rate

- *Aim for meaningful response rates (40-60%)*
- *Document total number of responses*
- *Analyze response breakdown by sex*
- **Low response rate weakens defensibility*



Survey Design Considerations

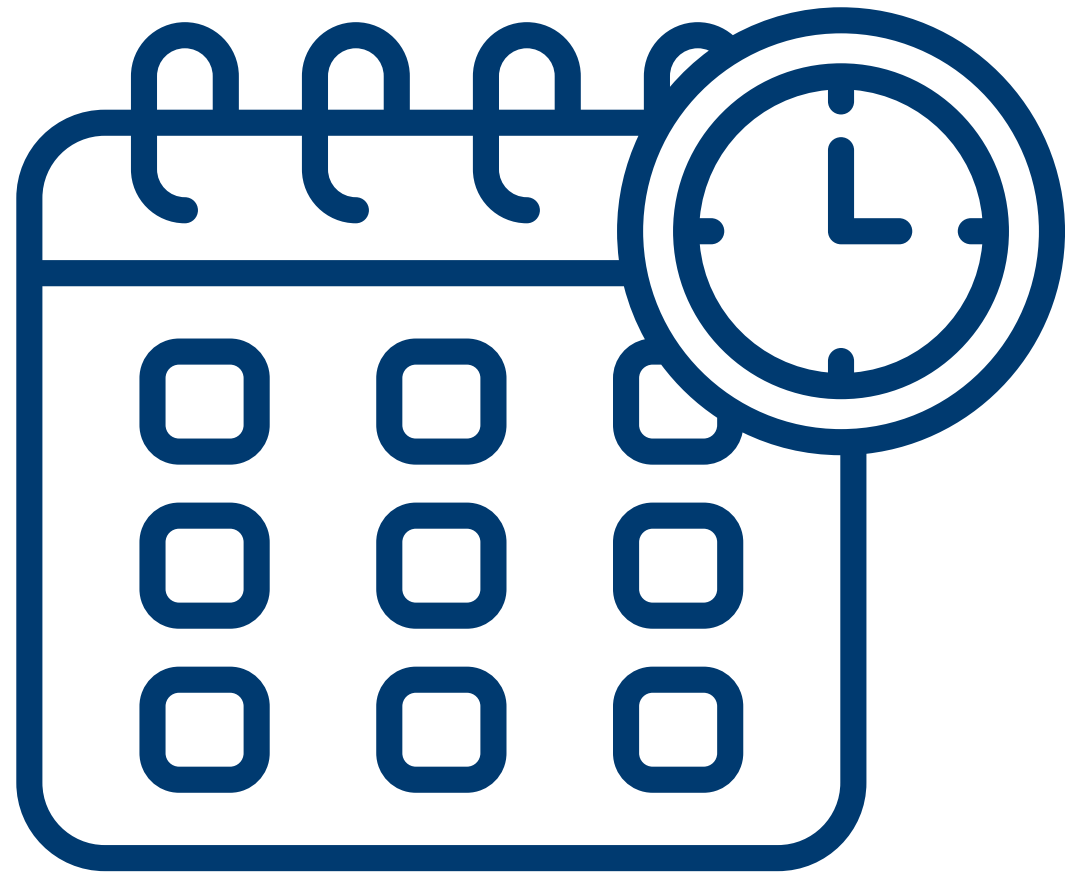
INTERESTS & ABILITIES

 TARGET 1 PRONG 3

3.Sport Specific Interest Questions

- *Which sport(s) the student would participate in*
- *Whether they would “definitely,” “probably,” or “possibly” try out*
- *Whether they have prior experience*
- *Years of participation*
- *Level of competition reached (HS varsity, club, travel, state, national)*

**Interest without ability is insufficient under Prong 3*



Survey Design Considerations

INTERESTS & ABILITIES



TARGET 1 PRONG 3

4. Commitment Indicators

- *Willingness to practice daily*
- *Willingness to travel*
- *Ability to meet academic standards*
- *Willingness to participate in strength/conditioning*

**Seeking realistic team commitment, not casual interest*

Ability Assessment Considerations

INTERESTS & ABILITIES

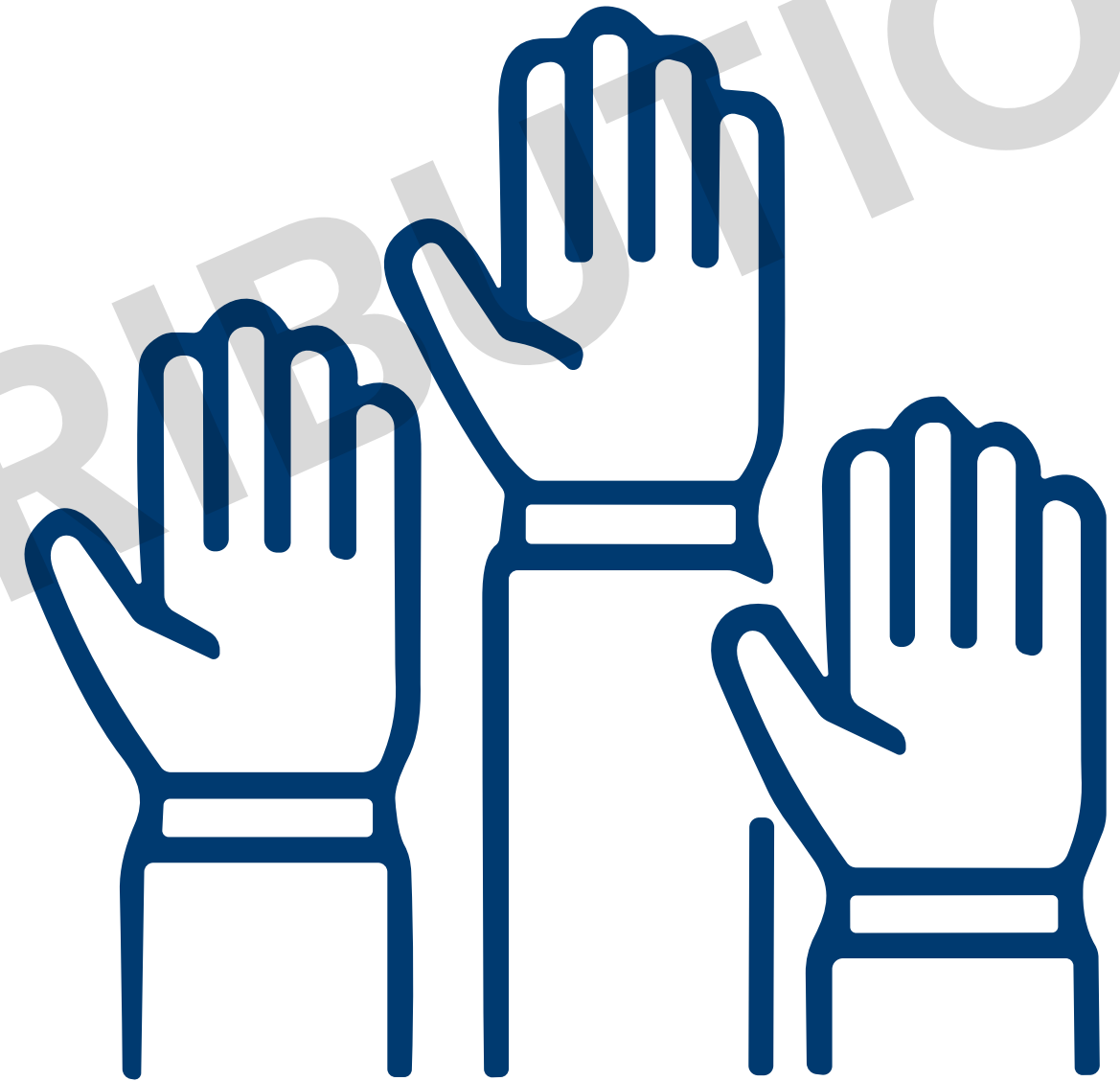
 TARGET 1 PRONG 3

Schools should examine:

- Rec league participation history
- High school varsity participation history
- Club sport participation levels
- Regional/state competition levels
- Conference sponsorship of the sport

Ability can be demonstrated by:

- Existing club teams with strong participation
- State-sanctioned high school growth
- Regional NCAA sponsorship



Reasonable Expectation of Competition

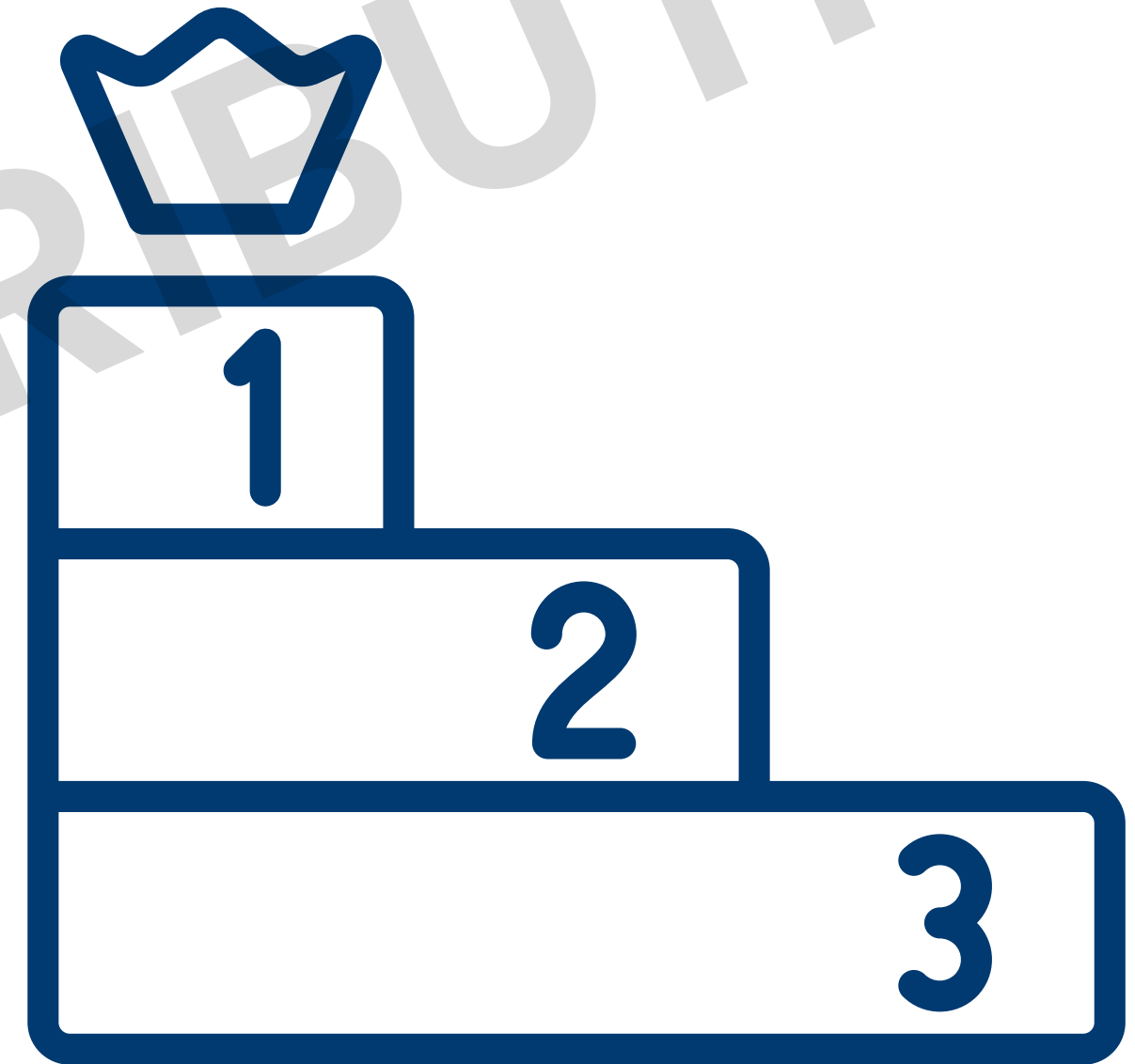
INTERESTS & ABILITIES

 TARGET 1 PRONG 3

Even if interest and ability exist, the school must consider:

- Are there conference opponents?
- Are there regional competitors?
- Would the team have a viable competitive schedule?
- Would conference membership be available?

*Cannot rely on “no interest” if nearby schools sponsor the sport and participation pipelines exist.



Interests & Abilities Hypo


SUBSTANTIAL
PROPORTIONALITY
TARGET 1 PRONG 1

10,000 students
38% men
62% women



500 athletes
290 men (58%)
210 women (42%)



20%
Participation Gap



Fail


HISTORY OF
EXPANSION
TARGET 1 PRONG 2

No women's
sports added or
roster increases
in the last 5
years



Men's roster
increases in 3
sports for a total
of 18 new
athletes



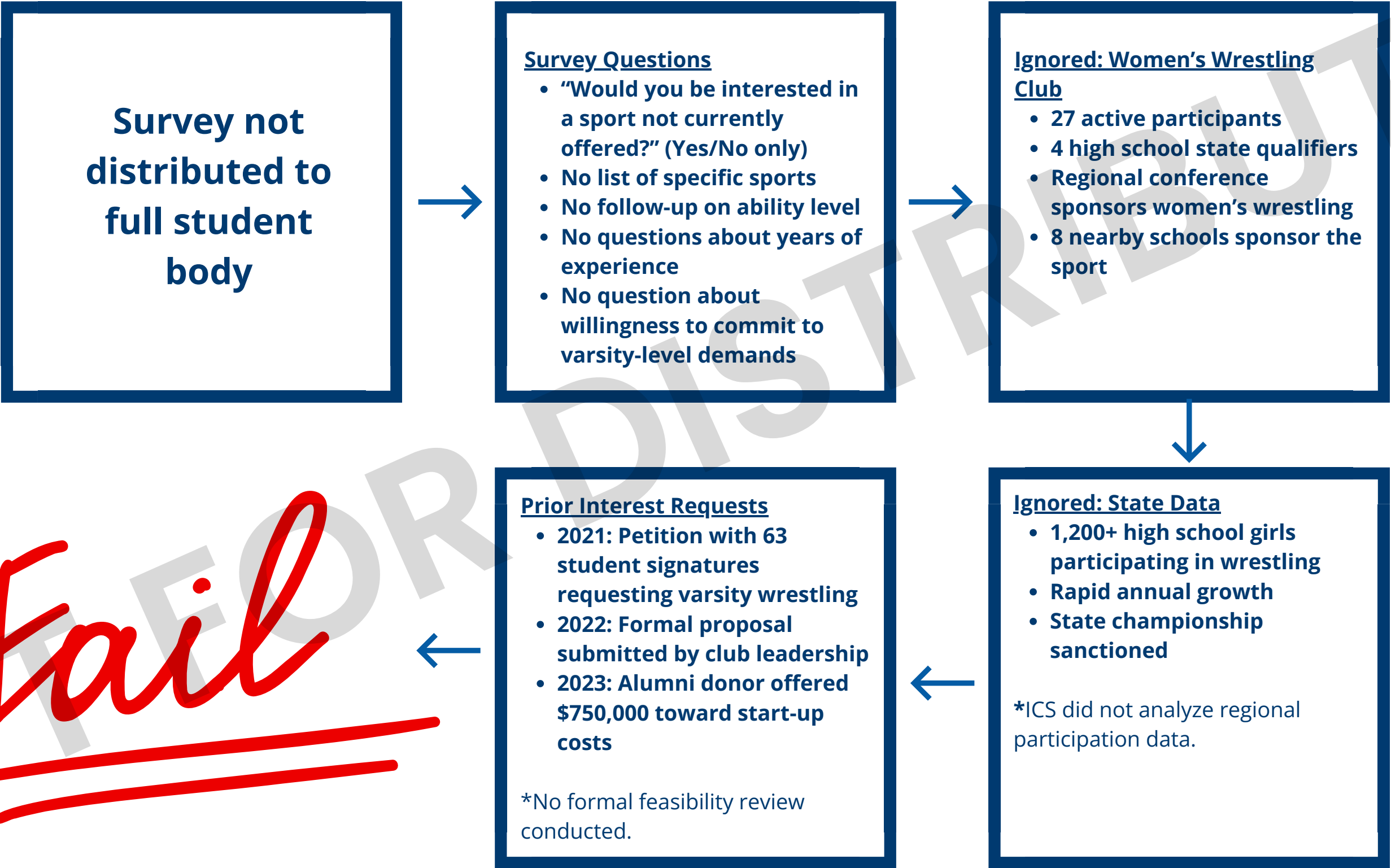
No History
of
Expansion



Fail

Interests & Abilities

 TARGET 1 PRONG 3



Interests and Abilities Hypo



TARGET 1 PRONG 3

What would OCR say?

- ICS failed to demonstrate that it fully and effectively accommodates the interests and abilities of the underrepresented sex.
- The school relied on a flawed survey methodology, ignored objective evidence of sustained interest and ability, and failed to evaluate regional competition.
- Therefore, ICS does not satisfy Prong 3.

ICS Must:

- Add women's wrestling, OR
- Demonstrate equivalent participation opportunities, OR
- Increase women's roster opportunities elsewhere.

Interests & Abilities

 TARGET 1 PRONG 3

Big Takeaways

Prong 3 fails when:

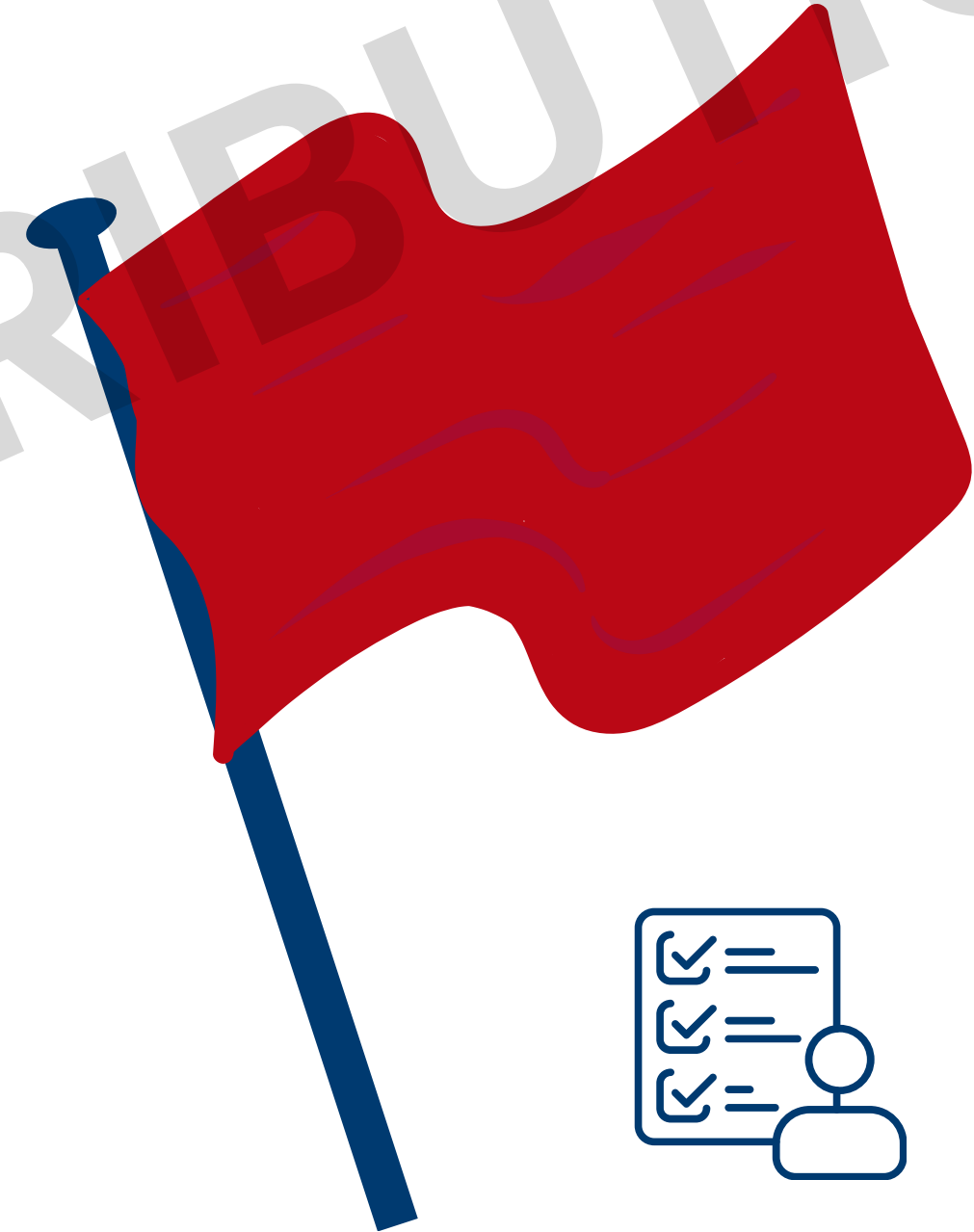
- Survey is used as a shield rather than a genuine inquiry
- Interest evidence outside the survey is ignored
- Ability is not assessed
- Regional competition is not evaluated
- Survey is narrow, outdated, or biased
- Documentation suggests outcome-driven approach
- A survey does not defeat demonstrated interest

Common Red Flags Related to Surveys



TARGET 1 PRONG 3

- Survey only current athletes
- Low response rate with no follow-up
- Ignoring strong interest from the underrepresented sex
- Conducts survey once and never reassess
- Claiming lack of ability without reviewing community data
- Cutting a girls' team while relying on low survey response





Target 2:

Benefits, Opportunities, and Treatments



Target 2 Focus

Benefit + Opportunity + Treatment

It's about the EXPERIENCE: How are athletes treated once they are on the team?

Comparing:

- Overall equivalence
- Impact on athlete experience
- Pattern of disparities
- Whether disparities are systemic
- Whether disparities are justified by legitimate factors



Target 2:

Benefits, Opportunities, & Treatment

- **Equipment & supplies**
- **Game & practice times**
- **Travel & per diem**
- **Coaching & coaches compensation**
- **Academic tutoring**
- **Locker rooms**
- **Practice facilities**

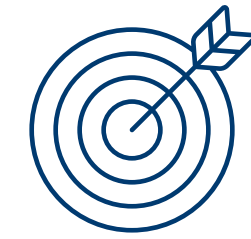
- **Competitive facilities**
- **Medical & training facilities**
- **Housing and/or dining services**
- **Publicity**
- **Supportive services**
- **Recruitment (if applicable)**
- **Other**



Target 2 Focus

It's more than "who got more money?"

The real question: **Do male and female student-athletes have equivalent access to quality, quantity, safety, performance technology, and maintenance support necessary to compete at the same level?**



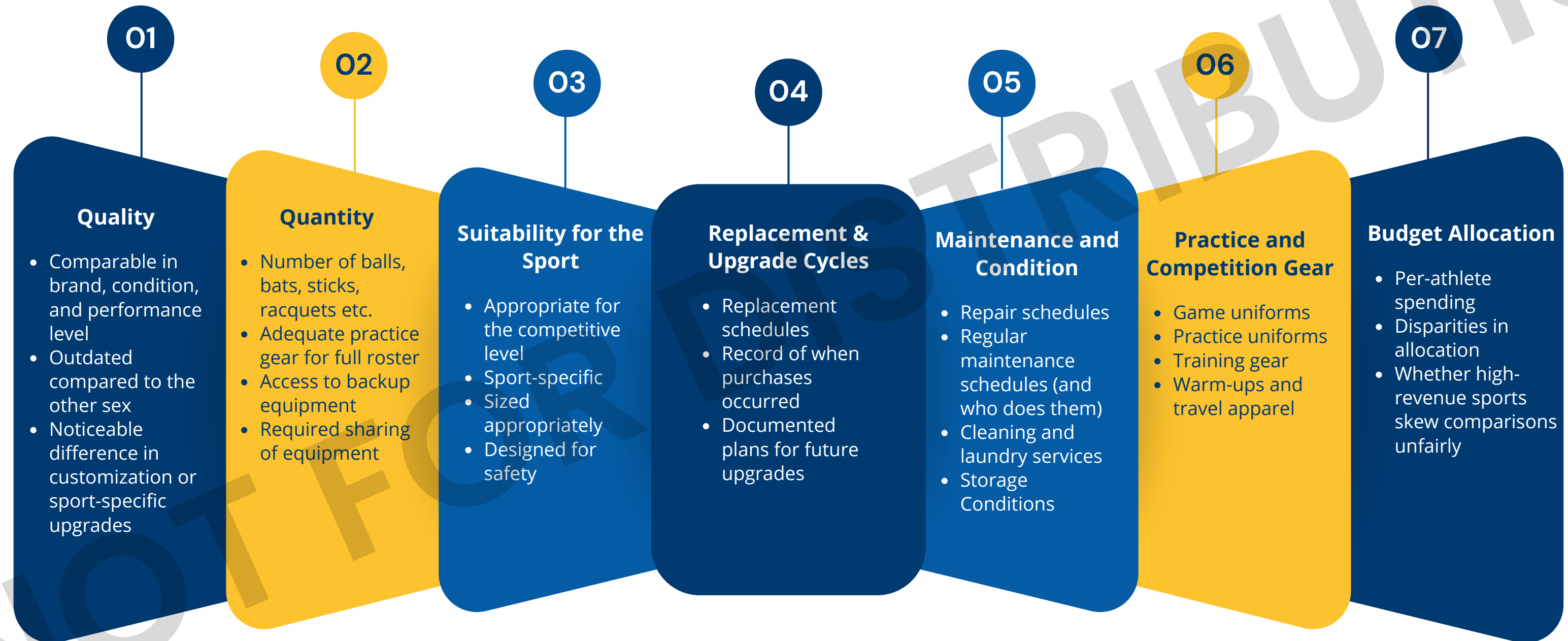
Target 2 Equipment



Target 2



Equipment and Supplies



Equipment Hypo

Target 2

Football	Flag Football
• Two full game uniform sets per athlete • Custom-fitted jerseys • Alternate uniforms for special games • Team-issued warmups and travel apparel • New uniforms purchased every two years • 30+ footballs for practice • Blocking sleds • Tackling dummies • Agility equipment • Quarterback training nets • Equipment manager • Helmets replaced every 3–4 years • Shoulder pads for each athlete • Integrated mouthguards • Optional padded practice gear	• One basic jersey issued per athlete • Generic sizes (no fitting process) • Athletes required to purchase own shorts • No warmups provided • Uniforms expected to last 5+ seasons • 6 footballs for entire team • No blocking or training equipment • No agility training tools • Equipment stored in shared PE closet • No protective gear issued • Athletes encouraged to purchase personal mouthguards • No padded practice equipment

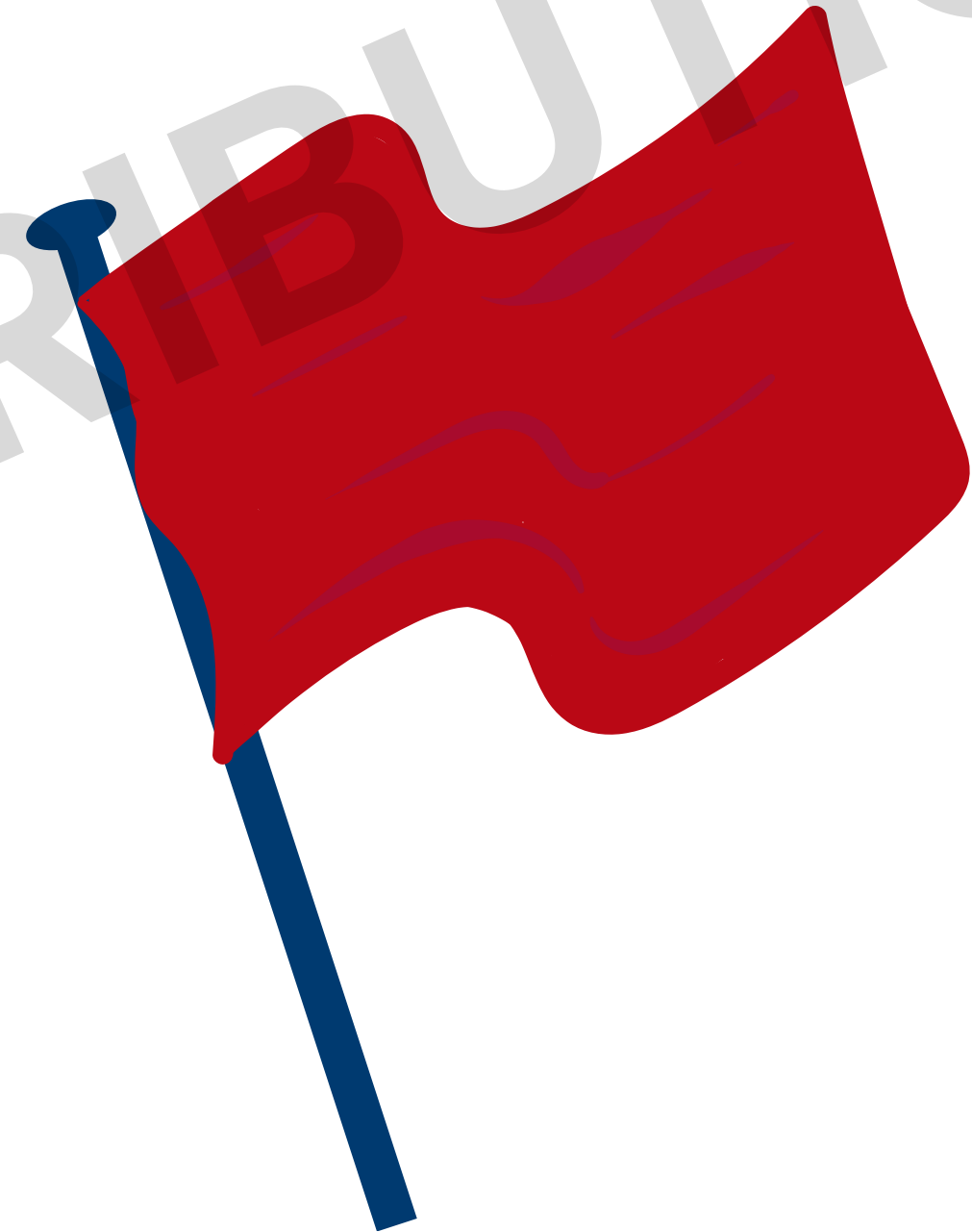


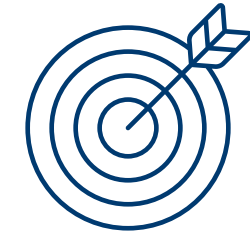
Common Red Flags Related to Equipment



TARGET 2

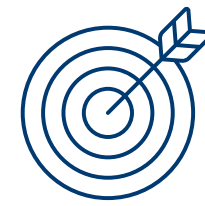
- Inferior uniform quality
- Unequal replacement cycles
- Insufficient practice equipment
- Storage and access
- Safety equipment
- Technology gaps
- “Purchase your own”
- Lack of policies



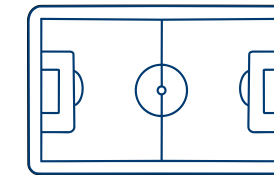


Target 2 Facilities

Practice & Competition



Target 2



Facilities

01

Quality & Condition

- Playing surface
- Lighting
- Maintenance frequency
- Cleanliness
- Climate control
- Who cleans/maintains
- Repair turnaround time

02

Availability & Access

- "Prime time" practice and game times
- Access to backup facilities
- Shared facility prioritization
- Off season training access
- Access to weight room

03

Spectator & Other Amenities

- Seating
- Press boxes
- Scoreboards
- Sound systems
- Restroom access

04

Venue Quality

- Location
- Concessions
- Press Accommodations
- Upkeep
- Accessibility

05

Locker Rooms

- Size and square footage
- Quality of lockers
- ventilation and climate control
- Showers and restrooms
- Meeting rooms
- Player lounges
- Training tables

06

Hosting & Postseason Special Events

- Hosting opportunities
- Access to championship venues
- Support for facility prep of special events

07

Capital Investment History

- Facility upgrade timelines
- Donor-Booster funded projects
- Renovation spending
- Capital investment planning

Facilities Hypo

Target 2

Baseball	Softball
• \$6M renovation (2022) • Artificial turf • Stadium seating (1,500 capacity) • Press box & media suite • LED lighting for night games • Scoreboard with video replay • Indoor batting cages attached • Concessions and restrooms • Individual wooden lockers • Lounge area • Team meeting room • Flat-screen TVs • Nutrition station • Dedicated athletic trainer space	• No renovation since 2008 • Natural grass with drainage issues • Portable bleachers (250 capacity) • No press box • No lighting for night games • No permanent restroom facilities • Outdoor batting cage located 500 yards away • Metal lockers • No meeting room • Shared athletic trainer area



Facilities Access Hypo

Target 2

Men's Basketball	Women's Basketball
• Exclusive access to the main arena court for all practices • Reserved practice times 2:30–5:30 PM daily • Dedicated secondary practice gym • Year-round skill sessions permitted • Majority of home games scheduled Friday/Saturday evenings • Prime broadcast windows • Featured doubleheaders where men play second	• Practices in auxiliary gym or later gym time in main court • Rotates with volleyball and intramurals • Practices 7:30–9:30 PM three days per week • Arena access limited to pre-game shoot around • Most home games scheduled weekday afternoons • Limited weekend slots • Frequently scheduled during academic hours • Doubleheaders where women play first before men

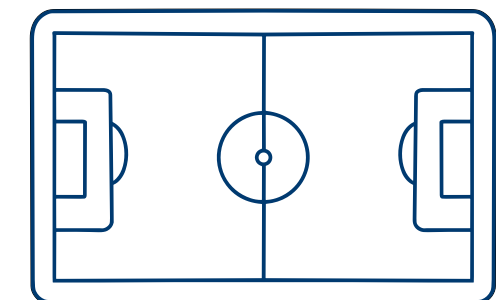
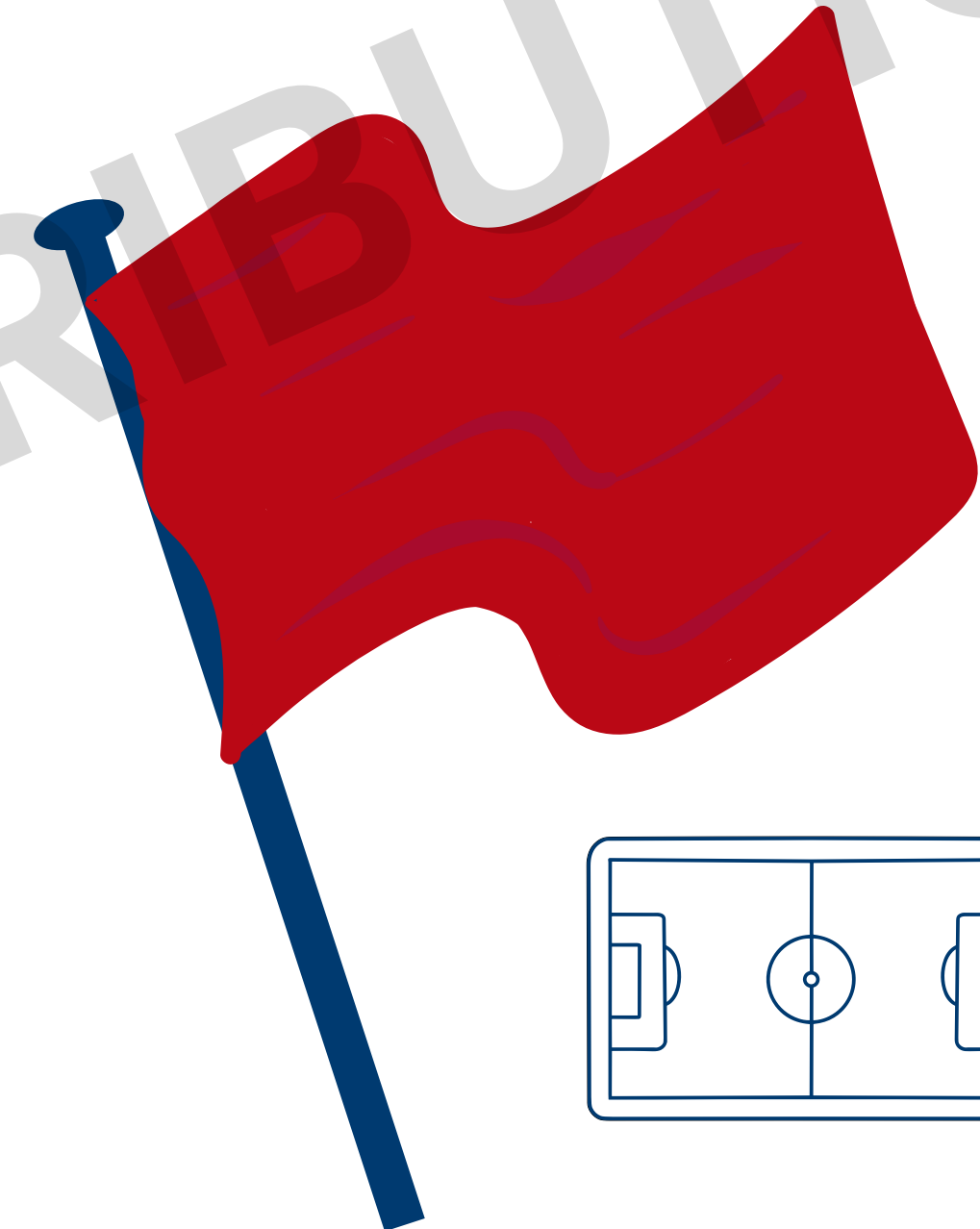


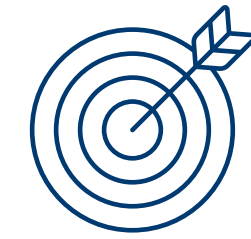
Common Red Flags Related to Facilities



TARGET 2

- Baseball vs. softball stadium disparities
- Football-only facility complexes
- Weight room inequities
- Locker room renovation gaps
- NIL-driven facility upgrades benefiting only men
- Indoor practice priority conflicts





Target 2

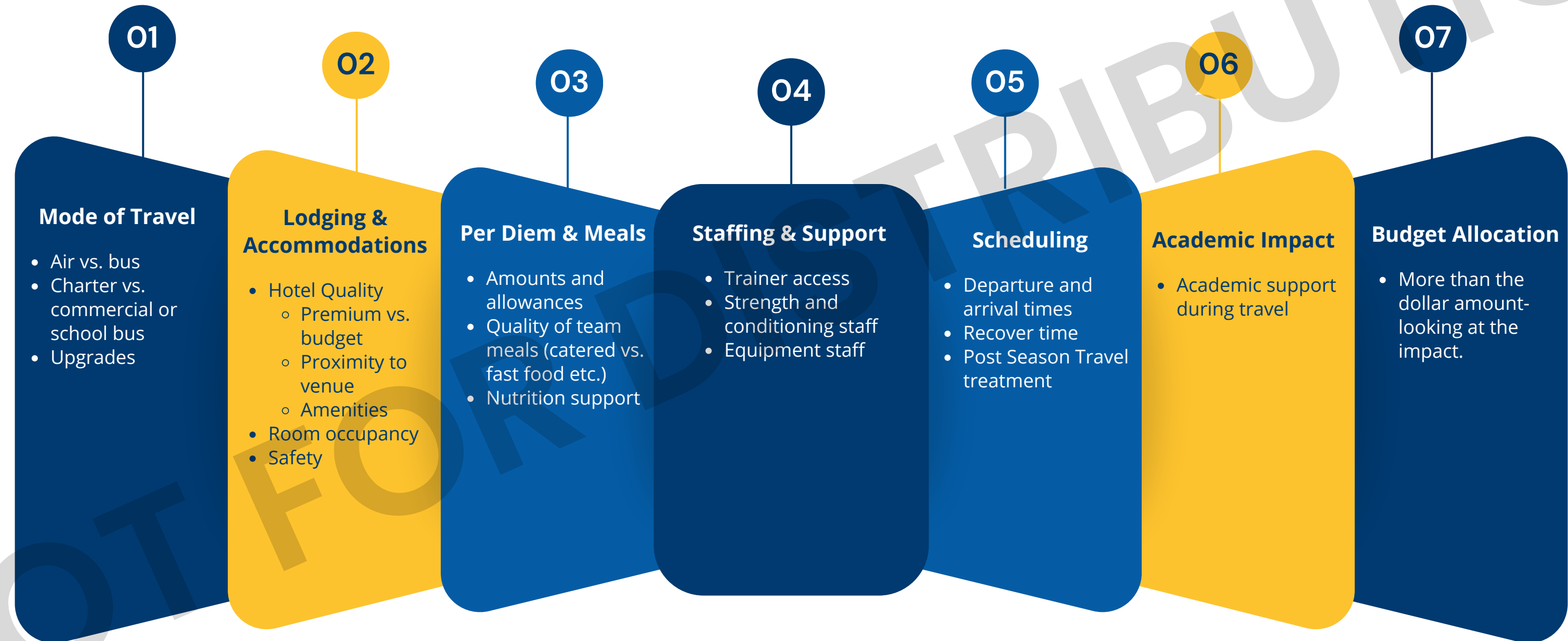
Travel & Per Diem



Target 2



Travel



Travel Hypo

Target 2

Men's Volleyball

- Commercial flights for distances over 800 miles
- Standard bus travel for 300–800 miles
- Overnight bus travel for certain trips
- Standard business hotels
- Double occupancy rooms
- No dedicated meeting rooms
- Per diem used for meals off-site
- \$45 per day meal allowance
- Overnight travel
- Early morning arrivals
- Significant missed class time

Women's Basketball

- Charter flights for conference travel exceeding 300 miles
- Charter bus for shorter trips
- Departures timed to avoid missed class
- 4-star hotels
- Individual rooms for upperclassmen
- Team meeting space included
- Catering options at hotel
- \$75 per day meal allowance
- Depart after classes
- Return during daylight hours
- Fewer missed academic obligations



Common Red Flags Related to Travel



TARGET 2

- Football charter flights vs. women's commercial flights
- Hotel disparities
- Men's postseason premium travel packages
- Three-per-room lodging for women
- Differential per diem allocations



Equity Walk Check List

Title IX Athletics Facilities Equity Walk Checklist

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Basic Information

Institution:	
Date:	
Facility Visited:	
Sport(s) Reviewed:	
Coordinator / Reviewer:	

Locker Rooms

☐ Comparable size per athlete	☐ Team meeting space
☐ Individual locker quality	☐ Recruitment
☐ Ventilation & climate control	☐ Laundry access
☐ Shower/restroom privacy	☐ Security & access control

Practice Facilities

☐ Dedicated or shared space	☐ Indoor backup access
☐ Quality of playing surface	☐ Equipment storage proximity
☐ Lighting levels	☐ Access to video technology

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Competition Facilities

NOT FOR DISTRIBUTION

☐ Seating capacity	☐ Game-day locker room access
☐ Press/media facilities	☐ Identify evidence to obtain
☐ Sound/PA systems	☐ Warm-up areas

Athletic Training Areas

☐ Proximity to teams	☐ Privacy in treatment areas
☐ Number of treatment tables	☐ Access hours
☐ Equipment availability	

Strength & Conditioning

☐ Scheduling equity	☐ Dedicated staff access
☐ Number of racks/platforms	☐ Sport-specific programming

Amenities & Support Areas

☐ Team lounges	☐ Film rooms
☐ Nutrition stations	☐ Recruiting presentation spaces
☐ Recovery equipment	

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Scheduling & Access Review

NOT FOR DISTRIBUTION

☐ Prime practice times equitable
☐ Game-day priority equitable
☐ Weight room scheduling logs reviewed
☐ Indoor facility priority reviewed Safety & Acc

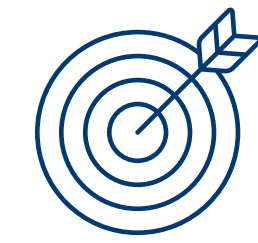
Safety & Accessibility

☐ ADA accessibility
☐ Lighting in parking areas
☐ Security presence
☐ Cleanliness & maintenance
☐ Emergency access routes

Observations / Notes:

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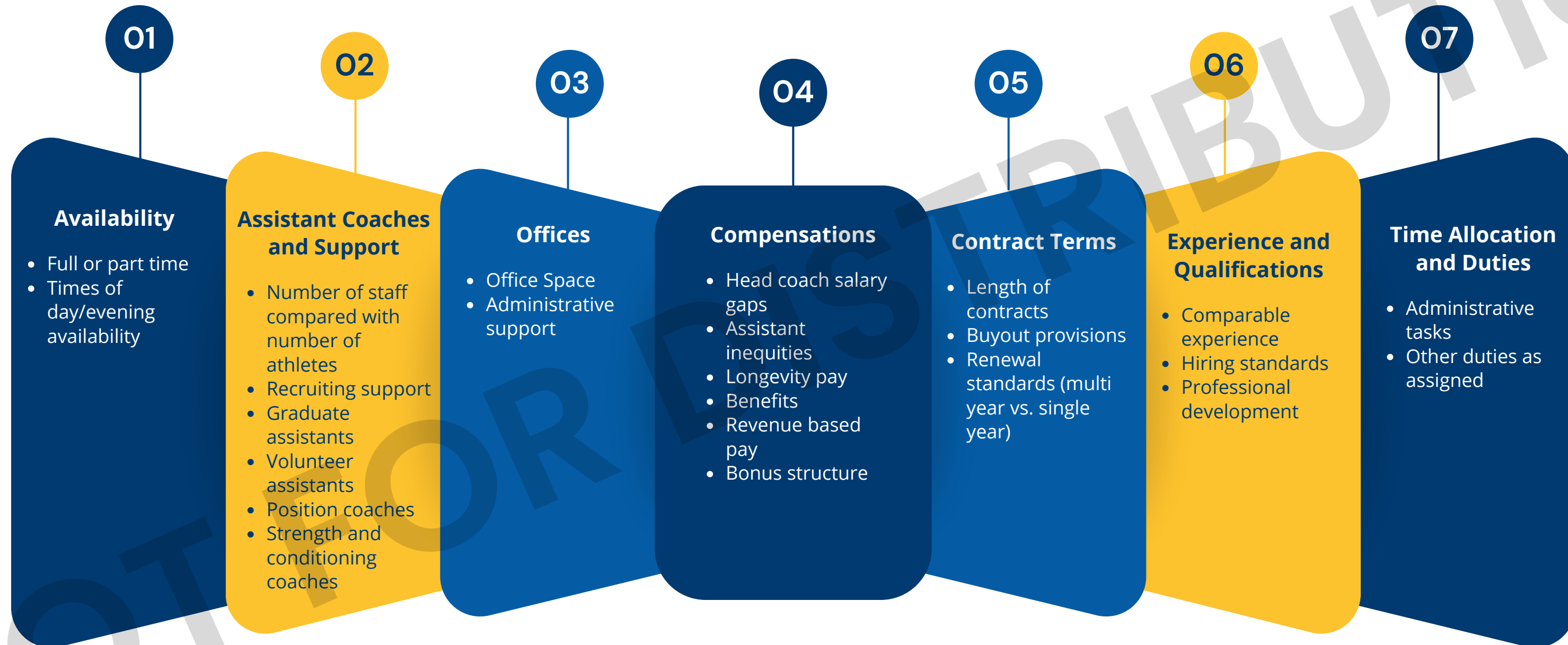
Target 2 Coaching



Target 2



Coaching



Board debates coach pay categories; tables change to committee amid Title IX and wage-and-hour concerns

July 17, 2025 | [Hamilton County, School Districts, Tennessee](#)



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This article was created by AI summarizing key points discussed. AI makes mistakes, so for full details and context, please refer to the [video of the full meeting](#). Please report any errors so we can fix them. [Report an error »](#)



Plus: Ask questions about this article.

Board members raised concerns about what one trustee called an inequity between faculty and classified pay rates for coaching stipends and discussed legal exposure under Title IX and federal wage-and-hour rules. The board did not adopt an immediate policy change and instead directed staff to study the issue in committee.

Coaching Hypo K-12

Target 2

Boys Basketball

- 1 Head Coach (full-time teacher, stipend \$8,500)
- 2 Paid Assistant Coaches
- 1 Volunteer Skills Coach
- Off-season summer league coaching provided
- 15 years experience
- State championship history
- Attends annual coaching clinics (district-funded)
- Receives paid professional development
- Coaches present for all practices
- Skill-specific position coaching

Girls Basketball

- 1 Head Coach (stipend \$6,000)
- 0 Paid Assistants
- No volunteer support
- No structured off-season program
- 2 years experience
- No district-funded clinic attendance
- No professional development support
- Occasional cancellation of practice due to coach teaching conflicts
- No position-specific instruction



Coaching Hypo HE

Target 2

Men's Sports	Women's Sports
• 38 total full-time assistant coaches • 12 operations directors • 9 recruiting coordinators • 6 video/analytics staff • Dedicated strength coaches assigned by sport • 76% of total coaching payroll allocated to men's sports • Funded attendance at national conventions • Paid certification programs • Annual clinic budgets • Leadership training support	• 14 total full-time assistant coaches • 2 shared operations staff • No dedicated recruiting coordinators • 1 shared video analyst • 2 shared strength coaches covering all women's teams • 24% of total coaching payroll allocated to women's sports • Several women's head coaches earn less than assistant coaches in men's programs. • Budget requests frequently denied • Professional development funded only when "surplus available" • No structured development program

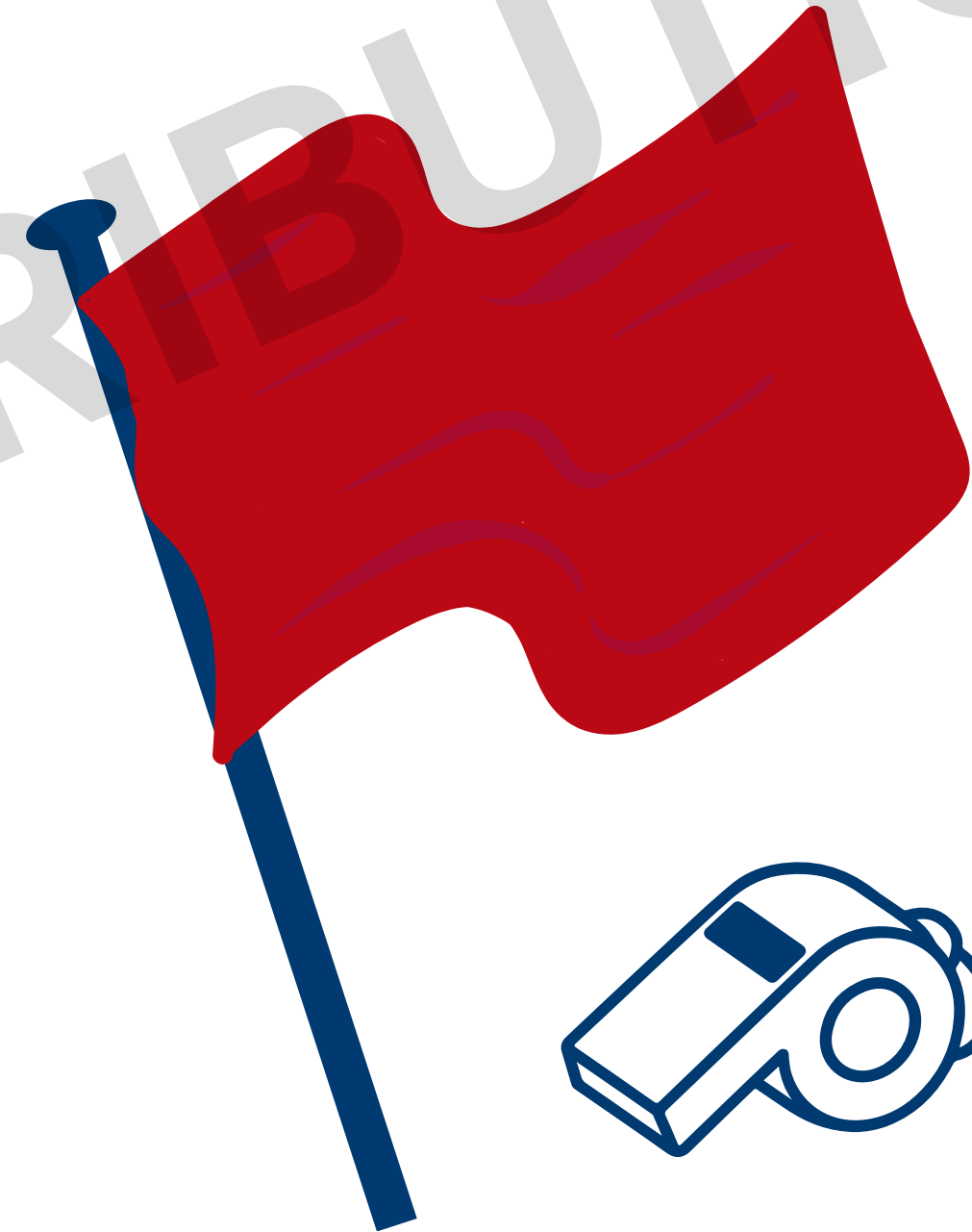


Common Red Flags Related to Coaches



TARGET 2

- Football staffing levels dramatically exceeding all others
- Assistant coach disparities between baseball and softball
- Women's coaches earning significantly less without justification
- Graduate assistant inequities
- Women's teams lacking recruiting resources





Target 2

Publicity





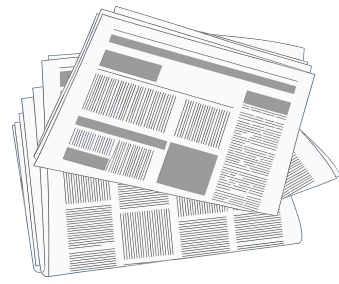
Target 2

Publicity

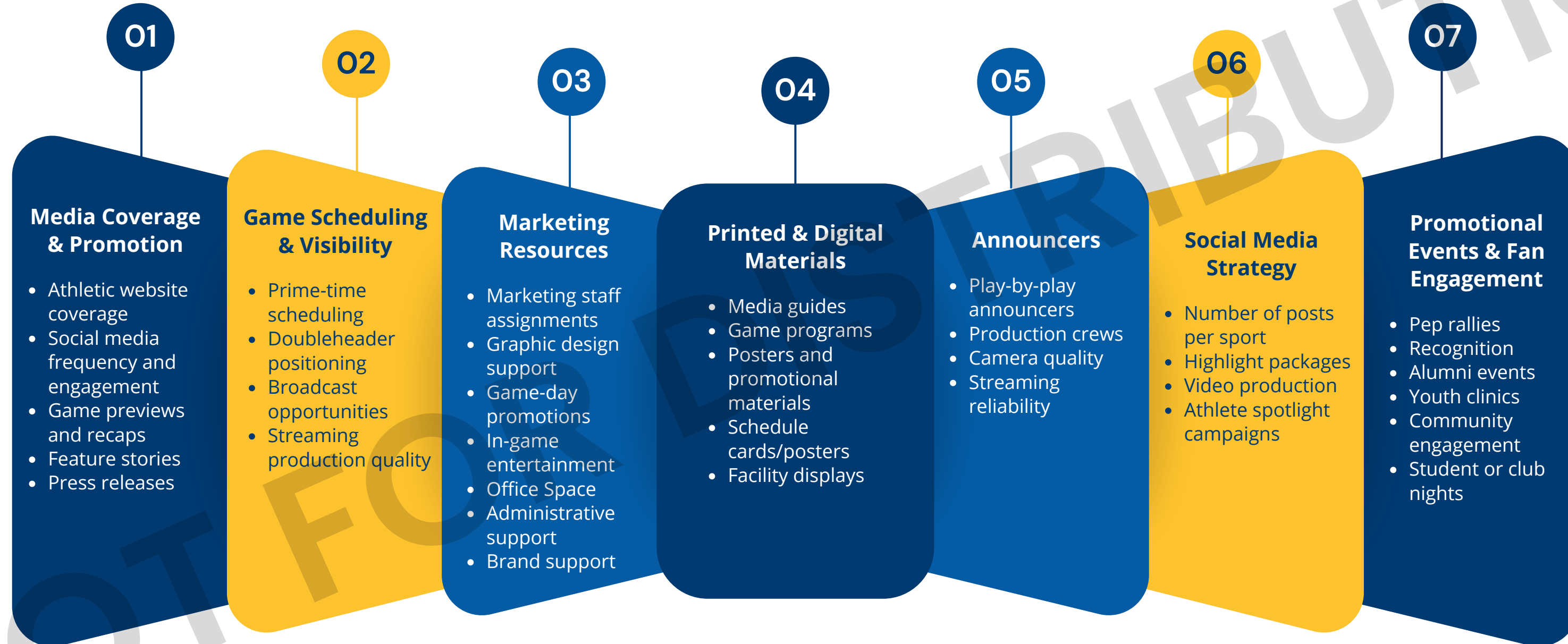
- **The BIG question-** Are men's and women's teams receiving equivalent publicity, promotional support, and media exposure?
- Publicity does not require identical coverage, but it does require equitable treatment and institutional support.
- **Additional Questions:**
 - Whether publicity opportunities are comparable
 - Whether marketing resources are allocated equitably
 - Whether institutional practices favor one sex



Target 2



Publicity



Social Media Hypo

Target 2

General: One main athletics Instagram (400,000 followers)
One athletics X (Twitter) account
Team-specific accounts for major sports
Full-time creative services team (5 employees)
External marketing consultant for football and men’s basketball

Men’s Teams

Football, Basketball, Baseball, Soccer

- Daily posts (3–6 per day during season)
- Pre-game hype videos
- Post-game highlight reels
- Player spotlight campaigns
- Weekly feature series
- Story takeovers
- Real-time game updates
- Dedicated hashtag campaigns
- Regularly reposted on institutional page
- Institutional page promotes men’s ticket sales
- Institutional page features countdown campaigns

Women’s teams

Volleyball, Soccer, Softball, Track, Swimming

- 1–2 posts per week during season
- No pre-game graphics
- Occasional final score post
- No highlight videos
- No athlete feature series
- Minimal live updates
- Accounts inactive in offseason
- Minimal growth year-over-year
- Limited cross-promotion
- Low engagement

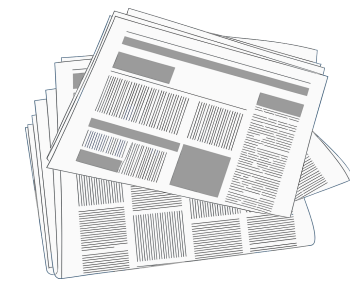
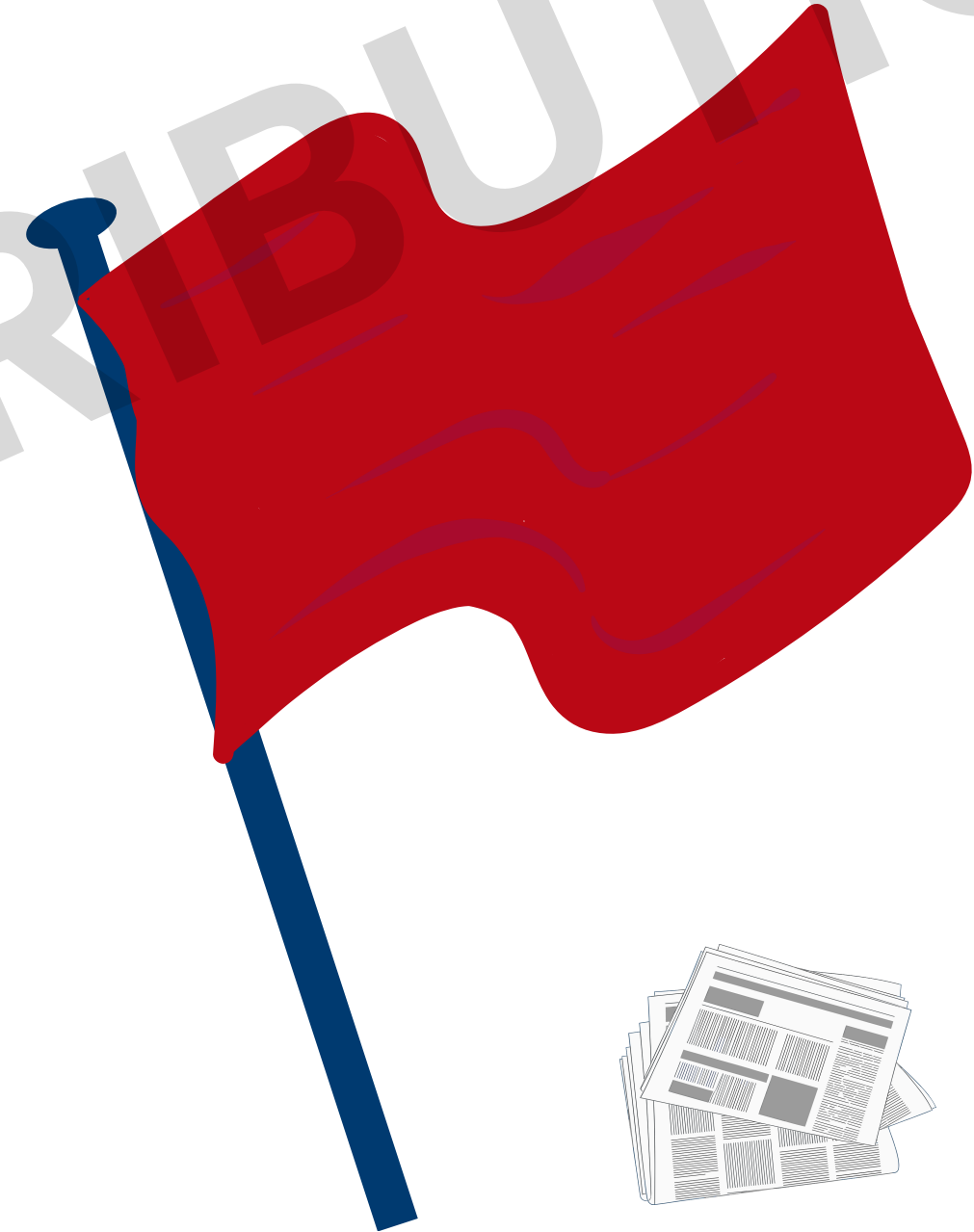


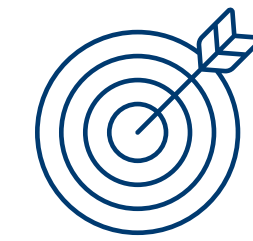
Common Red Flags Related to Publicity



TARGET 2

- Staffing assignments favor men's programs.
- Posting frequency disparity is systemic.
- Women's programs lack consistent promotional support.
- NIL promotion benefits are concentrated in men's sports.
- Cross-platform institutional promotion favors men.
- No written policy ensures.





Target 2 Booster Clubs



Target 2

Booster Clubs

- If booster club benefits affect an athletics program, the institution remains responsible for ensuring equity.
- A school cannot avoid Title IX obligations by attributing disparities to boosters.
- Title IX applies to the institution receiving federal funds, not to the booster club directly.

Booster Club Best Practices



TARGET 2

- *Track booster contributions by sport and sex*
- *Review equity impact annually*
- *Require booster pre-approval for major expenditures*
- *Adopt written booster oversight policies*
- *Conduct Target 2 equity audits including booster-funded benefits*
- *Communicate Title IX obligations to booster leadership*
- *Develop balancing strategies when disparities arise*
- *Consider general booster fund rather than booster fund by sport*

Booster Club

Target 2

Men's Soccer

- BOOSTER CLUB
 - Raises \$1.5M annually
 - Funds capital projects
 - Pays coaching supplements
 - Funds international travel
 - Purchases advanced sports technology
 - The Athletic Department allows booster expenditures without equity review
- \$1M stadium renovation (2023)
- 3,000-seat capacity
- LED lighting for national broadcasts
- Press box and hospitality suites
- Dedicated locker rooms
- Video board with replay capability
- On-site training room

Women's Basketball

- NO BOOSTER CLUB
- Uses parks and Rec field
- No bleachers
- No permanent lighting
- Shared locker room in adjacent building
- Portable restrooms during large events
- No video board or scoreboard at all



Common Red Flags Related to Booster Club



TARGET 2

- “The boosters did it, not us.”
- Allowing unrestricted booster spending without equity review.
- No tracking of booster contributions by sex.
- No policy governing booster enhancements.
- Assuming donor intent overrides Title IX.





Target 3:

Scholarships and Financial Aid



Target 3 Focus

Scholarships and Financial Aid

The percentage of athletic scholarship dollars awarded to female athletes must be substantially proportionate to their percentage of participation opportunities. (1% rule)

Evaluation

- Percentage difference
- Whether disparity exceeds 1%
- Whether discrepancy is explainable
- Whether shortfall can be remedied

*Minor fluctuations may be tolerated if they are temporary and corrected.
Persistent gaps create violation risk.



Scholarships and Financial Aid

- Step 1: Determine participation percentage
 - % of female athletes
 - % of male athletes
- Step 2: Determine scholarship distribution
 - % of total athletic scholarship dollars awarded to female athletes
 - % of total athletic scholarship dollars awarded to male athletes
- Step 3: Compare
 - Should be within 1%

What Counts as Financial Aid?

Target 3

Included

- Athletic grants-in-aid
- Tuition scholarships tied to athletics
- Room and board
- Stipends associated with athletics awards

Not included:

- Academic scholarships not tied to athletics
- Outside NIL deals
- Need-based aid unrelated to athletics



Common Red Flags Related to Scholarships and Financial Aid



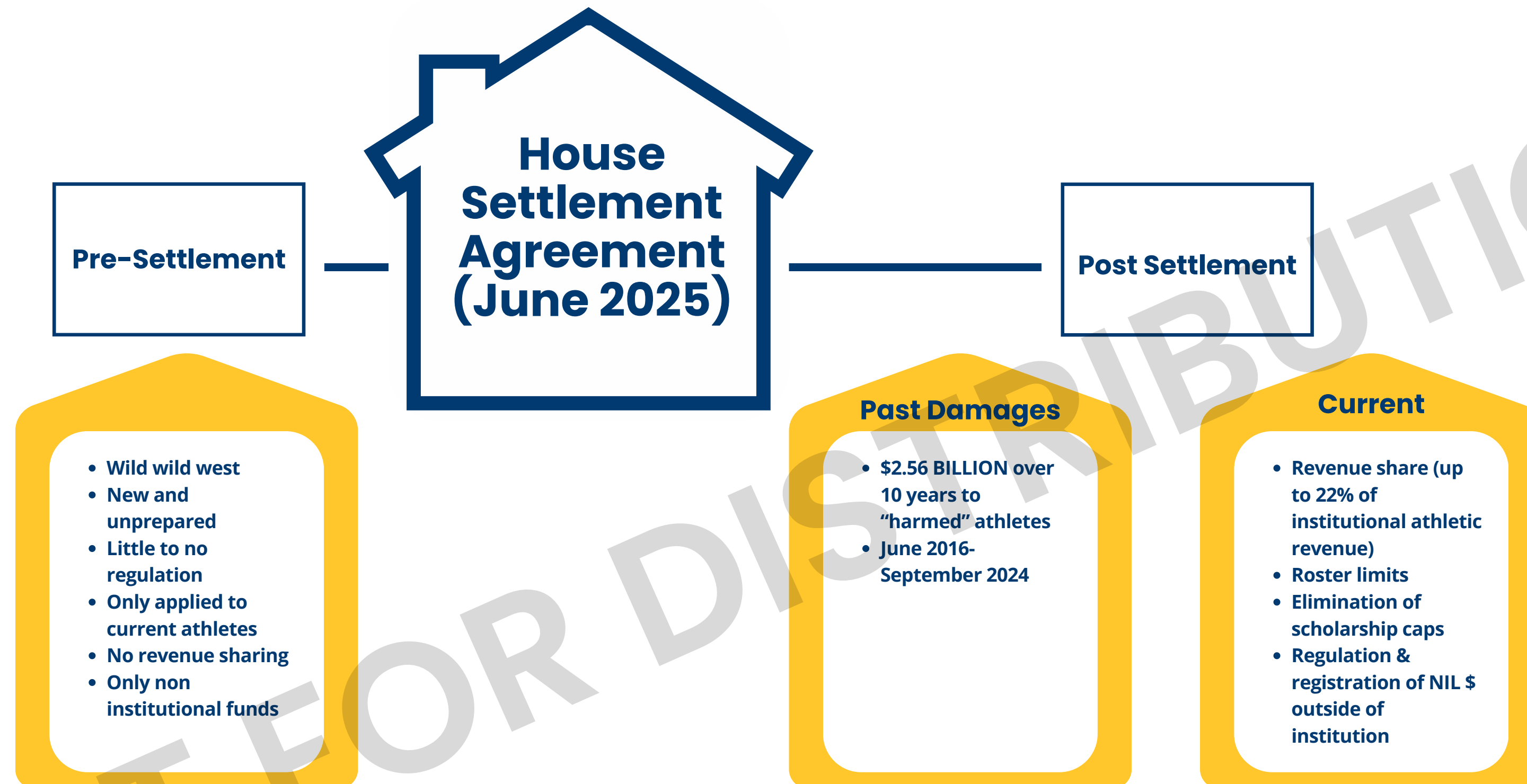
TARGET 3

- Large football roster size
- Partial scholarship sports
 - Baseball
 - Soccer
 - Track
- Failure to adjust after participation/roster changes
- Elimination of scholarship caps does NOT eliminate equity requirements



NCAA

NAME, IMAGE & LIKENESS



Traditional NIL & Title IX Overlap

Traditional NIL

Deals between athletes and outside entities such as:

- Businesses
- Sponsors
- Marketing companies
- Booster collectives
- Social media promotions

Examples:

- Endorsement contracts
- Social media promotions
- Apparel sponsorships
- Commercial advertisements



Title IX Considerations

Private NIL deals are typically not automatically subject to Title IX. Still must consider:

- Whether they facilitate or arrange deals
- Whether collectives are closely connected to the university
- Whether institutional resources promote deals for certain athletes
- NIL education programs, Branding workshops, Legal support for NIL contracts, Marketing assistance, Social media promotion, Access to NIL marketplaces

Past NIL Payment (Under House Settlement) & Title IX Overlap

Past Payment

The House settlement compensates former college athletes for NIL opportunities they were prevented from pursuing.

- Compensate athletes who competed between 2016 and 2024
- The settlement does not provide equal payments to all athletes. Instead, payments will be determined using several factors:
 - Sport played
 - Years of participation
 - Media exposure
 - Estimated NIL market value



Title IX Challenges

Athletes challenged the back-pay structure

- Distribution favors men (men have larger share of the settlement fund)
- \$1Billion shortfall for women
- NCAA argues that Title IX does not apply because the payments are antitrust damages and this is the economic reality
- Payments are stayed

The case could determine whether gender equity laws apply to athlete compensation systems tied to market value, making it one of the most significant upcoming legal battles in college athletics.

Revenue Sharing (Post House Settlement) Title IX Overlap

Revenue Sharing

- Division I schools are allowed to directly share athletics revenue with student-athletes. This change begins with the 2025–2026 academic year following court approval of the settlement.
- Schools can distribute up to 22% of certain athletics revenues each year.
 - For 2025–2026, the cap is estimated at about \$20.5 million per school annually
- Payments are in addition to scholarships.
- Schools decide how to distribute.
- Amended roster limits.
- Eliminated scholarship limits.
- Opt in requirement.



Title IX Considerations

- **Legal question** - whether revenue-sharing payments will be treated as athletic financial aid.
 - If they are considered financial aid, schools must follow Title IX Target 3 scholarship and financial aid requirements.
- Roster limits - Revenue sharing could influence roster decisions.
- Support services.
- Coordination with collectives.
- Current pay structure:
 - 70–80% football
 - 10–20% men's basketball
 - Small percentages to other sports



319

SCHOOLS OPTED IN

**82% OF DIVISION 1
INSTITUTIONS
2025-2026
INCLUDING ALL POWER 4 SCHOOLS**



Marshall University



Marshall University eliminated women's swimming and diving based on "financial sustainability, facility needs, and Title IX"

University Argument

- **Financial Sustainability** - The university argued that maintaining a Division I swimming program required significant ongoing operational costs, including travel, recruiting, equipment, staffing, and scholarships.
- **Major Funding Required** - University officials stated that upgrading the facility to meet modern competitive and safety standards would require major capital investment—estimated in the millions of dollars.
- **Title IX Participation** - Women were underrepresented in athletic participation relative to enrollment.
 - The department needed sports that could support larger rosters.
 - The university claimed replacing swimming with women's STUNT, which can support up to 65 athletes, would significantly increase participation opportunities for women.
- **Strategic Program Restructuring** - University officials framed the decision as a structural change to ensure long-term sustainability of athletics rather than a critique of the swim team's performance.
 - Scholarships would be honored.
 - Athletes would receive transfer assistance.
 - Academic and mental health support would be provided.

Student-Athlete Argument

- **Gender Inequity** - Student-athletes argued the decision reflected broader inequities between men's and women's sports at the university.
 - Women's sports historically received less funding and institutional support.
 - The elimination of the team reflected a pattern of undervaluing women's athletics.
- **Questioning the finances** - Critics questioned whether financial concerns justified eliminating the program.
 - The athletics budget overall was substantial.
 - Major men's sports (such as football) received significantly larger funding allocations.
 - The university should explore alternative solutions before cutting a women's sport.
- **Title IX Compliance** - Student-athletes also suggested the decision could create or worsen Title IX compliance issues.
 - Eliminating an existing women's sport reduces opportunities for female athletes.
 - The university should ensure that any replacement sport truly provides equivalent opportunities.
- **Lack of Transparency and Timing**
 - The decision appeared sudden.
 - Communication with athletes was limited.
 - The announcement came shortly before a conference championship competition.

Response to a Complaint

Setting yourself up for success



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K-12



HIGHER ED



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